

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

**DEVON ENERGY PRODUCTION
COMPANY, L.P.,**

Plaintiff,

v.

EIGHTY-EIGHT OIL, LLC,

Defendant.

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Case No. CIV-20-768-G

ORDER

Now before the Court is a Motion to Strike (Doc. No. 51) filed by Plaintiff Devon Energy Production Company, L.P. Plaintiff seeks to strike Defendant Eighty-Eight Oil, LLC's Motion for Summary Judgment (Doc. No. 43) and accompanying Supplemental Memorandum (Doc. No. 44) based upon Defendant's failure to comply with Local Civil Rules 7.1(d) and 56.1. *See* Pl.'s Mot. at 2. Defendant has filed a response. Doc. No. 52.

The Court's Local Rules "have the force and effect of law, and are binding upon the parties and the court which promulgated them until they are changed in appropriate manner." *Smith v. Ford Motor Co.*, 626 F.2d 784, 796 (10th Cir. 1980) (quoting *Woods Constr. Co. v. Atlas Chem. Indus., Inc.*, 337 F.2d 888, 890 (10th Cir. 1964)). Local Civil Rule 56.1(b) provides, "The brief in support of a motion for summary judgment . . . shall begin with a section stating the material facts to which the movant contends no genuine dispute exists. The facts shall be set forth in concise, numbered paragraphs." LCvR 56.1(b); *see also id.* R. 56.1(d). The Court has reviewed the filings at issue and finds that the Motion and Supplemental Memorandum lack such a fact section

and therefore fail to comply with Local Civil Rule 56.1(b). However, Defendant states that it is “prepared, with the leave of Court, to re-file its pending Motion, bringing it in full compliance with the Local Rules.” Def.’s Resp. at 5.

Based upon the record, Plaintiff’s Motion to Strike (Doc. No. 51) is GRANTED. Defendant’s Motion for Summary Judgment (Doc. No. 43) and the accompanying Supplemental Memorandum (Doc. No. 44) are hereby STRICKEN.

Defendant is ADVISED it may file an amended motion for summary judgment, in compliance with this Court’s Local Rules, on or before December 10, 2021.

IT IS SO ORDERED this 3rd day of December, 2021.



CHARLES B. GOODWIN
United States District Judge